

**REMARKS**

Claims 1-90 are pending and have been examined in the present application.

No indication has been made on the Office Action Summary, PTOL-326, whether the drawings are accepted or rejected, nor has a draftsman's drawing review, PTO-948 been supplied. Applicants respectfully request that the Examiner provide an indication in the next paper.

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Claims 1 and 67 have been amended to make express what is implicit in the claims, namely, that the payment allocation system is for a seller. This change does not alter the scope of the claim. Claims 1 and 67 have also been amended to recite receiving "two or more orders" instead of "one or more orders," and that these orders are "corresponding to more than one subsidiary of the seller."

In paragraph 3 of the Office Action, claims 1-90 stand rejected as stated in the previous Office Action, paper number 6. Paragraphs 5 and 6 of that paper provides that claims 67-90 were also rejected under 35 U.S.C. § 101 for failing to provide a concrete tangible result. Since the present Office Action does not address Applicants' remarks regarding this subject, it is presumed that this rejection has been withdrawn. Thus, claims 1-90 stand rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 6,289,322 to Kitchen, et al. ("Kitchen") in view of U.S. Patent No. 6,070,150 to Remington, et al. ("Remington"). Applicants respectfully continue to traverse these rejections.

In paragraph 4 of the Office Action, two assertions are made that are relevant to claims 1-24. First, it is asserted that Kitchen teaches receiving orders. It is respectfully submitted that Kitchen fails to disclose any processing of orders, whatsoever. As stated in the previous Response, and repeated here, the system in Kitchen is for a billing service provider which provides billing services for several different billers that have a plurality of customers. Simply put, Kitchen's system doesn't take orders.

In contrast to the system described in Kitchen, in the method of the present inventions as recited in independent claim 1, there is an order taker (typically a seller) that receives orders from at least one buyer. More particularly, Kitchen fails to teach a method for “receiving two or more orders from at least one buyer, the orders corresponding to more than one subsidiary of the seller,” as recited in independent claim 1, as amended (emphasis added unless otherwise noted). The cited portion of Kitchen (col. 6, lines 4-11) discloses that biller stations “may represent individual merchants, utility companies, service providers, bank credit card companies, or other individuals or entities to whom a payment is owed.” This enumerated list of entities does not disclose orders corresponding to the necessary corporate relationship recited in the claim, i.e., that of a subsidiary of a seller. The parties and the situation as recited in independent claim 1 are thus different than the parties in the Kitchen reference.

The second assertion is that Kitchen discloses “allocating the payment to a corresponding subsidiary for which the payment has been made.” The cited portion of Kitchen (at col. 13, line 63 through col. 14, line 15) discloses that a payer can make a payment to a biller by clicking a pay indicator, which will “direct payment of a particular billed amount on the due date.” Kitchen’s system then accesses the user’s account and either writes checks or makes an electronic funds transfer to the billers. While Kitchen teaches a specific payment technique, i.e., making a single payment per single billed amount, Kitchen fails to disclose receiving any payments at all, let alone “allocating the payment to a corresponding at least one seller subsidiary” as expressly required by independent claim 1. No payments at all flow from the customers to Kitchen’s system, and no allocation of that payment occurs.

Remington does not cure the deficiencies of Kitchen. Remington only discloses single bill presentment from a single seller. Remington was not cited in the previous Office Action as providing the above limitations.

As neither Kitchen nor Remington nor the combination thereof either teach or suggest “receiving two or more orders from at least one buyer, the orders corresponding to

more than one subsidiary of the seller” or “allocating the payments to a corresponding seller subsidiary” withdrawal of the rejection of independent claim 1 and its dependent claims 2-24 is therefore respectfully requested.

With respect to claims 25-47, paragraph 5 of the Office Action asserts that Kitchen teaches comparing orders against a criteria and booking approved orders. The cited portion of Kitchen, column 7, lines 66 through column 8, line 37, teaches that a payor may lodge a query for billing related information, and that the processor evaluates the query and returns the desired bills. This does not teach or suggest processing orders whatsoever, nor comparing orders against a criteria, nor booking approved orders. Applicants respectfully submit that Kitchen teaches processing bills after orders have been placed, and does not provide any teachings that concern order processing. See, e.g., Kitchen’s consistent use of the word “ordered,” i.e., as used in the past tense at col. 1, lines 14-17 (“The bills normally consist of detailed billing information relating to the goods or services purchased or ordered, including a detailed itemization of the billed charges.”) and at col. 6, lines 7-11 (“Payor stations 120a-120d may represent individuals or entities which have purchased or ordered goods or services or otherwise have an outstanding debt to the billers represented by stations 110a-110d.”). If the Examiner is aware of some teaching or suggestion of order processing to be found anywhere within the four corners of Kitchen, Applicants kindly urge the Examiner to point it out. Otherwise, Applicants respectfully submit that Kitchen and Remington merely disclose bill paying and presentment systems. Neither of them contain any disclosure or suggestion with respect to an order management system that receives orders from buyers, evaluates the order against criteria and books approves order as expressly required in independent claim 25.

Furthermore, as stated in the previous Response, independent claim 25 requires a “funds distribution system, the funds distribution system facilitating the distribution of the authorized payment received from the buying organization.” The Office Action implies that Kitchen teaches a fund distribution system because Kitchen’s system sends (distributes) the payor’s funds to a seller. However, it is the distribution of received funds

that are expressed in the claim. As described above with respect to independent claim 1, neither of the systems in Kitchen or Remington ever receive funds from anyone, in fact, they only make payments. As neither Kitchen nor Remington nor the combination thereof suggest or disclose any of the express limitations of independent claim 25 described above, withdrawal of the rejection of independent claim 25 and its dependent claims 26-47 is therefore respectfully requested.

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Similar to independent claim 25, independent claim 48 recites an order management system. This system includes a processor that receives “at least one order from a buying organization having at least one buyer” and furthermore evaluates “the least one order against one or more criteria.” As described above with respect to independent claim 25, neither Kitchen nor Remington disclose either of these express limitations with respect to orders as recited in independent claim 48. Paragraph 6 of the Office Action cites no additional portions of Kitchen and provides no additional reasons for rejection beyond those presented in paragraph 5. Withdrawal of the rejection of independent claim 48 and its dependent claims 49-64 is therefore respectfully requested for the same reasons expressed above in connection with claim 25.

With respect to claims 65-66, paragraph 7 of the Office Action asserts that “Kitchen teaches that the payor allocates payment to at least one seller subsidiary by pressing a pay indicator button associated with that particular seller ...” and that the buyer “delivers funds to one or more seller subsidiaries [sic, sub-entities]. By paying one seller in full, the buyer in the system is disaggregating funds to portions for one or more selling sub-entities (column 13, line 63 through column 14, line 15).” Claim 65 has been amended to recite “disaggregating the received funds to associate portions of the received funds with two or more selling sub-entities of the selling entity.” Therefore, the basis for the rejection has been eliminated, since Kitchen only teaches paying a single seller in full, and does not teach disaggregating received funds. Furthermore, for the same reasons expressed in connection with claim 1, Kitchen fails to teach associating portions of the received funds with sub-entities that have the necessary hierarchical relationship with the

selling entity. Therefore, withdrawal of the rejection of independent claim 65 and its dependent claim 66 is therefore respectfully requested.

With respect to claims 67-90, paragraph 8 of the Office Action asserts that Kitchen teaches receiving orders. Like claim 1, claim 67 recites "receiving two or more orders from at least one buyer, the orders corresponding to more than one subsidiary of the seller." For the same reasons expressed above in connection with claim 1, withdrawal of the rejection levied against independent claim 67 and its dependent claims 68-90 are respectfully requested.

Claims 4, 25, 48, 51, 66, 70-72, 78-81, 83, 84, 87, and 90 have been amended to correct antecedent basis problems and other informalities. These amendments do not affect the scope of these claims.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

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Respectfully submitted,

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